

SUMMARY STATEMENT

The David and Marvel Benton Trust v. McCarty, Docket No. 43326

In a case arising out of Bonneville County, the Idaho Supreme Court affirmed the district court's summary judgment granting the David and Marvel Benton Trust's motion to quiet title to certain property. The Idaho Supreme Court held that a quitclaim deed purporting to transfer property to Dorothy B. McCarty ("McCarty") was unenforceable as a matter of law for failing to contain a legally sufficient property description. Specifically, the Court held that the quitclaim deed violated both Idaho Code section 9-503 and Idaho Code section 9-505(4) (more commonly known as the Statute of Frauds). In coming to this conclusion, the Court reaffirmed a long line of cases establishing that extrinsic evidence is not admissible to supplement a property description in a document conveying property unless the proffered extrinsic evidence is explicitly referenced in said property description. Attorney's fees were awarded to the Trust under Idaho Code section 12-121.